

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

203**CRM-M-8216-2020 (O&M)****Date of decision: 28.08.2020****Narinder Singh Khurana****.....Petitioner****versus****State of Punjab****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri****Present:** Mr. Navjot Singh, Advocate, for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Ritu Raj Singh, Advocate
for the complainant.*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual Court).***********GIRISH AGNIHOTRI, J. (Oral)**

The matter has been taken up through video-conferencing on account of the restrictions due to outbreak of pandemic COVID-19.

Petitioner-Narinder Singh Khurana, stated to be aged 50 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.211 dated 14.09.2004 (Annexure P-1), registered under Sections 494, 498-A, 376, 420 & 120-B of Indian Penal Code at Police Station City Hoshiarpur, Police District Hoshiarpur.

On 13.07.2020, this Court had passed a detailed order.

The present order be read in continuation of order dated 13.07.2020.

From the report submitted to this Court by the Chief Judicial Magistrate, Hoshiarpur, on administrative side, it has transpired that

petitioner-Narinder Singh Khurana was committed to the Court of Sessions vide commitement order dated 25.11.2019. In the report, it has also been stated that vide the commitment order dated 25.11.2019, the court of Judicial Magistrate First Class, Hoshiarpur, had proceeded to direct that the petitioner/accused (in custody) to be produced before the Sessions Judge, Hoshiarpur on 06.12.2019. It is also a matter of record that thereafter, the petitioner had filed regular bail application, which was rejected by the Additional Sessions Judge, Hoshiarpur, vide order dated 20.12.2019.

Faced with the above situation, learned counsel for the petitioner makes an oral prayer that anticipating the above, the present petition has already been filed under Section 439 Cr. P.C. for grant of regular bail in case FIR No.211 dated 14.09.2004 (Annexure P-1), registered under Sections 494, 498-A, 376, 420 & 120-B of Indian Penal Code (for short 'IPC'), (including Section 376 IPC) at Police Station City Hoshiarpur, Police District Hoshiarpur. He, however, submits that there are total 13 witnesses, but none has been examined till date. Learned counsel then submits that due to the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioner in jail is dangerous to his life, therefore, petitioner is entitled for regular bail.

Learned State counsel, on instructions from ASI Darshan Singh submits that the next date before the Sessions Court is 04.09.2020 and charges have been framed on 04.01.2020.

Learned counsel for the complainant, however, submits that in view of the allegations in the FIR, the petitioner does not deserve to be granted regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

28.08.2020

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(GIRISH AGNIHOTRI)
JUDGE

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No